IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**PUBLIC INTEREST LITIGATION NO. 151 OF 2005**

Sham Ramchandra Taware ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents.

Mr. R.S. Sapkal for the petitioner.
Mr. P.M. Patil, Assistant Government Pleader, for respondent Nos. 1 and 2.
Mr. G.H. Keluskar for respondent No. 4.

**CORAM**: **KSHITIJ R. VYAS, C.J.** &
**DR. D.Y. CHANDRACHUD, J.**

**DATE:** **MARCH 22, 2006**.

**P.C.**

The petitioner, who is a Municipal Corporator of Pune Municipal Corporation, has invoked the writ jurisdiction of this Court by filing the present Public Interest Litigation with a prayer to issue an order in the nature of habeas corpus, mandamus or in the nature of certiorari quashing and setting aside all the orders passed by respondent Nos. 1 and 2 in respect of Survey No. 14/1/A and Survey No. 16, Dhankawadi, Pune, along with concerned mutation entries, to be declared as void, illegal and contrary to law, in the interest of justice and to protect the public interest.

2. In the name of PIL, the petitioner has taken up the cause of private individuals and has thus abused the process of law. Admittedly, the petitioner is not the power attorney holder of those affected persons. We, therefore, reject this petition with costs quantified at Rs.5,000/- to be paid to the first respondent within two weeks from today. We also direct the first respondent to see to it that this order is complied with. While rejecting the petition, we reserve the liberty to the private respondents to take out appropriate proceedings before the appropriate forum. The rejection of this PIL will not come in their way.

**CHIEF JUSTICE**

**DR. D.Y. CHANDRACHUD, J.**